

RESPONSE TO OFFICE ACTION

I. Rejection of claims 1-37 under 35 U.S.C. 102(b)

The Examiner rejected claims 1-37 under 35 U.S.C. 102(b) as being anticipated by Muller (EP 0878480). This rejection is respectfully traversed.

The Examiner stated that Muller “teaches a method to stabilize HIF alpha in an individual...” and that Muller “intrinsically teaches that inhibiting prolyl-4hydroxylase enzyme stabilizes HI-alpha [sic] in an individual.” (See Office Action, page 3.) Applicants respectfully disagree. Muller teaches inhibition of collagen prolyl-4-hydroxylase. Applicants note that collagen prolyl-4-hydroxylase, disclosed in Muller, is not a HIF hydroxylase enzyme. Collagen prolyl-4-hydroxylase and HIF hydroxylases have different substrates, a procollagen chain and a HIF α subunit, respectively. Therefore, inhibiting collagen prolyl-4-hydroxylase activity is not equivalent to inhibiting HIF hydroxylase activity, nor would inhibiting collagen prolyl-4-hydroxylase stabilize the alpha subunit of HIF. Accordingly, Muller does not disclose “stabilizing HIF α ” or inhibiting “HIF hydroxylase activity” as recited in claims 1-37, and Muller thus fails to anticipate these claims. In addition, the instant claims relate to methods useful for regulating glucose metabolism and treating diabetes. Muller does not disclose any method for regulating glucose metabolism or any method for treating diabetes, nor does Muller disclose any subject matter relating to glucose metabolism or diabetes.

As claims 1-37 are not anticipated by Muller, for at least the reasons given above, Applicants respectfully request withdrawal of the rejection of these claims under 35 U.S.C. 102(b) as being anticipated by this reference.

CONCLUSION

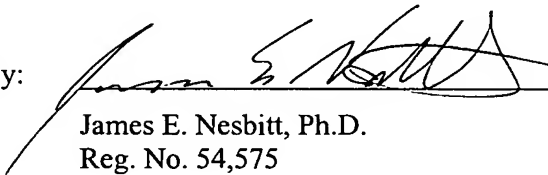
In view of the foregoing, Applicants submit that the claims are fully in condition for allowance and request notification to that effect.

The Commissioner is hereby authorized to charge the total of any fee necessary in this communication to Deposit Account No. 50-0811, referencing Docket No. FP0602.1 US. This response is enclosed in duplicate.

Please call Applicants' representative at 650-866-7289 with any questions regarding the present communication or the above-referenced application.

Respectfully submitted,

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